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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,441	05/05/2005	Sergio Pianezzola	Z01-153	3852
28156	7590	02/10/2006	EXAMINER	
COLEMAN SUDOL SAPONE, P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605-1601			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	
DATE MAILED: 02/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/523,441	Applicant(s) PIANEZZOLA ET AL.	
	Examiner Lars A. Olson	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01312005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 4, 5 and 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 4 recites the limitation "the self-contained breathing apparatus" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 5 recites the limitations "said lower band" and "said pushbutton inflation control" in line 5. There is insufficient antecedent basis for these limitations in the claim.
5. Claim 7 recites the limitation "said pushbutton inflation control" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 8 recites the limitation "said lower band" in line 5. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 9 recites the limitation "said pushbutton inflation control" in line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 10 recites the limitation "the reserve" in line 4. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 11 recites the limitation "said vest" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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10. Claim 12 recites the limitation "said vest" in line 2. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 13 recites the limitation "the vest" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

12. On line 2 of Claim 13, a manifold "shaped like a tube" is claimed. It is unclear to the examiner how much like a tube said manifold must be shaped in order for it to be considered as shaped "like a tube".

13. Claim 14 recites the limitation "said vest" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Garofalo (EP 1136351A2).

Garofalo discloses a buoyancy compensator device, as shown in Figure 1, that is comprised of an expandable air chamber, defined as Part #1, and at least two outlets, defined as Parts #3-5, one of said outlets being located in an upper region, defined as

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Part #3, and one of said outlets being located in a lower region, defined as Parts #4 and 5, where a manifold, defined as Part #6, that is further comprised of tubular elements located either within or outside of said air chamber, as described in lines 17-18 of column 2, connects said expandable air chamber to said outlets by means of a control valve, defined as Part #7, and a control pushbutton, defined as Part #8. Said outlets each constitute a one-way membrane, as described in lines 41-52 of column 2. Said expandable chamber can also be filled with a mixture of breathable gas contained in a gas mix reserve, defined as Part #2, by a mechanical inflator, defined as Part #12, that is operated by a pushbutton inflation control, defined as Part #11.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garofalo in view of Garofalo et al. (US 6,217,257) and Kaiser (US 5,346,419).

Garofalo, as set forth above, discloses all of the features claimed except for the use of an expandable air chamber in the form of a vest with two shoulders that are connected by adjustable straps to a lower band.

Garofalo et al. discloses a balancing jacket or vest, as shown in Figure 1, that includes an expandable air chamber, defined as Part #1, in the form of a vest, and a

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plurality of outlets, defined as Parts #2-5, where one of said outlets is located in an upper region of said vest, and one of said outlets is located in a lower region of said vest, where a manifold, defined as Part #6, connects said expandable air chamber to said outlets.

Kaiser discloses a buoyancy compensator device, as shown in Figures 1-14, that is comprised of an expandable air chamber, defined as Part #2, in the form of a vest, a pair of adjustable shoulder straps, defined as Parts #70 and 72, and a lower band, as shown in Figure 3, to which said straps connect.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize an expandable air chamber in the form of a vest, as taught by Garofalo et al., and an expandable air chamber vest with two shoulders that are connected by adjustable straps to a lower band, as taught by Kaiser, in combination with the buoyancy compensator device as disclosed by Garofalo for the purpose of providing a buoyancy compensator device that fits within a garment that can be worn around the torso of a user instead of around the entire body of said user.

Allowable Subject Matter

18. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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19. Claims 5 and 7-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

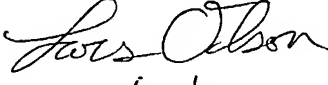
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garofalo (US 6,749,369) discloses a balancing jacket with an expandable air chamber.

21. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

February 6, 2006

LARS A. OLSON
PRIMARY EXAMINER


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